

THE HONORABLE THOMAS O. RICE

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Attorney for Defendants

IN UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

BRIAN TACKETT,

Plaintiff,

vs.

PROVIDENCE SACRED HEART
MEDICAL CENTER, KAVITHA
CHAGANUR, MD,

Defendants.

Cause No. 2:24-cv-00262-TOR

DEFENDANT PROVIDENCE
SACRED HEART MEDICAL
CENTER AND KAVITHA
CHAGANUR, M.D.'S
RESPONSE TO PLAINTIFF'S
REQUEST FOR CLERK'S
ENTRY OF DEFAULT [ECF
NO. 135]

AND PLAINTIFF'S MOTION
FOR DEFAULT JUDGMENT
[ECF NO. 136]

COME NOW Defendants, Providence Sacred Heart Medical Center and
Kavitha Chaganur, MD, by and through the undersigned counsel of the law firm

DEFENDANTS' RESPONSE TO PLAINTIFF'S REQUEST
FOR DEFAULT AND MOTION FOR DEFAULT JUDGMENT
- page 1

1 Evans, Craven, & Lackie, P.S., and in response to Plaintiff's Motion for Default
2 Judgment, states the following:

3
4 1. Plaintiff's Motion is moot. Defendants' Answer was filed and served
5 on December 26, 2024. *See, ECF No. 137.* Accordingly, default and default
6 judgment are inapplicable and would be improper.

7
8 2. In addition to the fact that Plaintiff's Motion is moot, Plaintiff failed
9 to comply with LR 55(a) as to his Motion for Default in the following respects:

10
11 a. Failing to comply with the "two-step process" by first obtaining entry
12 of default. No default has been entered against Defendant.

13
14 b. Failing to give fourteen days written notice of his intention to move
15 for entry of default. LR 55(a)(1).

16
17 c. Failing to provide evidence of such written notice by sworn affidavit.
18 LR 55(a)(2).

19
20 All of the foregoing grounds require denial of Plaintiff's Motion.

21
22 3. In addition to the foregoing, Plaintiff failed to comply with LR 55(b)
23 as to his Motion for Default Judgment in the following respects:

24
25 a. Failing to first secure a default against Defendant. LR 55(b) ("No
26 motion for judgment by default shall be filed unless an order of
27

1 default has been entered by the clerk”). At no time prior to Plaintiff’s
2 Motion did the court clerk enter an Order of Default. Accordingly,
3 Plaintiff’s Motion is improper.
4

5 b. Failing to file an affidavit in accordance with LR 55(b)(1), setting
6 forth the status of the Defendant (Sections a and b).
7


8 c. Failing to note the issue for hearing. LR. 55(b)(2).
9

10 All of the foregoing reasons warrant denial of Plaintiff’s Motion for Default
11 Judgment.
12

13 DATED this 26th day of December, 2024.

14 EVANS, CRAVEN & LACKIE, P.S.
15 By: /s/ Markus W. Louvier
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29 DEFENDANTS’ RESPONSE TO PLAINTIFF’S REQUEST
30 FOR DEFAULT AND MOTION FOR DEFAULT JUDGMENT
- page 3

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CERTIFICATE OF SERVICE

I hereby certify that on December 26, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

Plaintiff, Pro Se

Brian Tackett

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/s/

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- page 4

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